## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CRYSTAL FRYE,	)	
Plaintiff,	)	
vs.	)	Case No. 4:05CV01239 AGF
1012582 ONTARIO, LTD., et al.,	)	
Defendants.	)	

## **ORDER**

Following a hearing on pending motions, and for the reasons stated in open Court,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Additional Time to Disclose Experts and Provide Reports [Doc. #25] is **GRANTED** in part, as follows:

- a. To the extent any expert previously identified by Plaintiff will provide an opinion that goes beyond what is contained in said expert's records, Plaintiff shall have 30 days from the date of this Order, until **May 1, 2006**, to provide Defendants with an expert report pertaining to any such opinion. Plaintiff shall not be permitted to elicit at trial from any experts, whose reports are not so provided, opinions that go beyond what is contained in their records.
- b. To the extent Plaintiff does not intend to elicit from any previously identified expert an opinion that goes beyond what is contained in said expert's records, Plaintiff shall so state to Defendant, in writing, within 30 days from the date of this Order.
- c. Plaintiff shall have 30 days thereafter, until **May 31, 2006,** to make her expert witnesses available for deposition.

- d. Defendants shall have 45 days thereafter, or until **July 17, 2006**, to designate their expert witnesses and provide copies of any expert reports, and shall make such expert witnesses available for deposition within 30 days thereafter.
- e. To the extent Plaintiff may seek to identify additional experts based upon any documents or discovery Plaintiff contends Defendants have allegedly failed to produce or for other good cause, Plaintiff shall make further application to the Court identifying the proposed expert, the opinions to be elicited, and the basis for the delay in designation.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File an Additional 32 Interrogatories is **GRANTED**. Defendant is directed to respond to the additional interrogatories within 20 days of this Order. Plaintiff is cautioned that no additional interrogatories shall be permitted. [Doc. #23]

**IT IS FURTHER ORDERED** that Defendants' Motion for a Protective Order, related to Plaintiff's additional interrogatories, is **DENIED**. [Doc. #22]

IT IS FURTHER ORDERED that Plaintiff shall have 20 days from the date of this Order to file a motion to compel the production of any documents previously requested and which Defendants have failed to produce. In advance of this deadline, the parties shall work together to attempt to resolve any disputes.

IT IS FURTHER ORDERED that Plaintiff's Amended Motion for Additional Time to Mediate is **GRANTED**. The parties shall forthwith agree on a mediator, and shall arrange a tentative date for said mediation conference. The Court expects that Plaintiff will conduct the depositions of Defendants' representatives promptly upon the production of any additional documents that this Court may order be produced, and that the parties will be in a position to complete the mediation conference promptly upon the completion of any such depositions. [Doc. #31]

**IT IS FURTHER ORDERED** that Defendant Chattaway's Motion to Compel is **DENIED** without prejudice. Defendant Chattaway shall have 20 days from the date of this Order to file any motion to compel he believes is still necessary, in light of Plaintiff's supplemental responses. In advance of this deadline, the parties shall work together to attempt to resolve any disputes. [Doc. #27]

AUDREY G. FLEISSIG

UNITED STATES MAGISTRATE JUDGE

Dated this 31st day of March, 2006.